

**In the United States District Court  
for the Southern District of Texas  
Houston Division**

**Bay Area Unitarian Universalist  
Church, *et al.*,**

Plaintiffs,

v.

**Ken Paxton, Attorney General  
for the State of Texas, in his  
official capacity, *et al.*,**

Defendants.

**Civil Action No. 4:20-CV-03081**

Jury Demanded

**Remaining Parties' joint motion to stay the joint pretrial order filing deadline and  
for docket call and trial pending resolution of Responding Parties' dispositive  
motions**

Defendants, City of Webster, sued through its Chief of Police, Pete Bacon in his official capacity, Harris County, sued through its elected Sheriff, Ed Gonzalez in his official capacity, the Harris County District Attorney's Office, sued through its elected District Attorney, Kim Ogg in her official capacity, and Plaintiffs Bay Area Unitarian Universalist Church, Drink Houston Better, LLC d/b/a Antidote Coffee, and Perk You Later, LLC (collectively, "Remaining Parties"), jointly move the Court to stay the deadline to file the joint pretrial order and for docket call and trial, pending the Court's ruling on the parties' dispositive motions.

### **Certificate of Conference**

1. This is a joint motion made by all remaining parties.<sup>1</sup>

### **Argument and Authorities**

2. On September 2, 2020, Plaintiffs Bay Area Unitarian Universalist Church, Drink Houston Better, LLC d/b/a Antidote Coffee, and Perk You Later, LLC, filed suit against numerous state, county, and municipal defendants seeking declaratory and injunctive relief challenging the constitutionality and enforcement of certain aspects of Texas Penal Code § 30.06 (Concealed Carry Trespass Law) and § 30.07 (Open Carry Trespass Law). [Doc. 1].

3. On October 31, 2022, Plaintiffs filed a motion to modify the scheduling order and for leave to amend Plaintiffs' complaint. [Doc. 150].

4. The Remaining Parties filed the following motions on November 1, 2022, which are fully briefed and remain pending:

(a) Plaintiffs' motion for summary judgment [Doc. 155];

(b) Harris County's and the Harris County District Attorney's Office Rule 12(c) motion for judgment on the pleadings [Doc. 152];

(c) Webster's Rule 12(b)(1) motion to dismiss for lack of subject matter jurisdiction, or in the alternative, motion for summary judgment [Doc. 156]; and

(d) Webster's motion to exclude, or alternatively limit, testimony of Plaintiffs' expert Dawn Jourdan [Doc. 157].

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<sup>1</sup> Counsel conferred with counsel for dismissed party City of Houston police chief Troy Finner. Chief Finner does not oppose the relief sought in this motion.

5. The scheduling order presently requires the parties to attend a docket call on Friday, February 3, 2023, at 4:00 p.m. [Doc. 126].<sup>2</sup>

6. Under Rule 16(b)(4), the Court may modify its scheduling order for good cause. *Cf., Squyres v. Heico Cos., LLC*, 782 F.3d 224, 237 (5th Cir. 2015). Because the Court's disposition of the parties' dispositive motions will impact both whether there will be a trial as well as the parties, claims, and defenses remaining for trial, if any, judicial economy would be served by the Court continuing the deadline to file the joint pretrial order and for docket call and trial pending the Court's rulings on the parties' dispositive motions.

### **Conclusion**

7. For the foregoing reasons, the Court should grant the joint motion to stay the deadline to file the joint pretrial order and for docket call and trial, pending the Court's rulings on the parties' dispositive motions.

Dated: January 26, 2023

Respectfully submitted,

/s/ William Taylor (with consent)

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<sup>2</sup> The scheduling order set a joint pretrial order deadline for January 15, 2023, which the parties did not file due to the pendency of the numerous dispositive motions, the resolution of which would dictate what, if anything, the Court intends to try.

**AND**

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Kim Ogg and Ed Gonzalez**

**Certificate of Service**

I certify a true and correct copy of the foregoing has been served on all counsel of record through the Court's electronic filing system on January 26, 2023.

/s/ Justin C. Pfeiffer  
Justin C. Pfeiffer